

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**GOMES-BRAGA,**

**Plaintiff,**

**-against-**

**OMNIBUILD CONSTRUCTION INC ET  
AL.,**

**Defendants.**

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ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 1/26/2023

**22-cv-08127 (ALC)**

**ORDER**

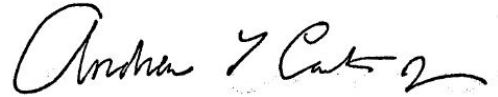
**ANDREW L. CARTER, JR., United States District Judge:**

On September 22, 2022, Plaintiff filed a Complaint commencing this action. ECF No. 1. On November 21, 2022, Defendant Omnibuild Construction Inc. (“Omnibuild”) filed an answer and cross-claims against their three co-defendants. ECF No. 33. Defendants Host Hotels & Resorts Inc. and HMC Times Square Hotel L.P. have yet to appear or respond to the Complaint or Omnibuild’s cross-claims. Defendant Vornado Realty Trust has also not responded to the Complaint or Omnibuild’s cross-claims. On January 23, 2023, Plaintiff filed a notice pursuant to Rule 41(a)(1)(A)(i) indicating the above-captioned action is voluntarily dismissed without prejudice only against Defendant Vornado Realty Trust. ECF No. 35.

The parties are hereby **ORDERED** to submit a join status report on the current status of this proceeding as to the non-appearing defendants on or by **February 3, 2023**. Defendant Omnibuild Construction Inc. is directed to advise the Court on their position as to Plaintiff’s notice of voluntary dismissal.

**SO ORDERED.**

**Dated:**     **January 26, 2023**  
              **New York, New York**

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

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**ANDREW L. CARTER, JR.**  
**United States District Judge**